

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JEFFREY SOLOMON
Plaintiff,

v.

ANNIE DOOKHAN,
DONALD F. KEENAN,
KATE CORBETT,
JUDYANN BIGBY,
JOHN AUERBACH,
JULIE NASSIF,
LINDA HAN,
CHARLES SALEMI,
ELIZABETH O'BRIEN,
DANIEL CONLEY, and
SUFFOLK COUNTY DISTRICT
ATTORNEY'S OFFICE,

Defendants

CIVIL ACTION NO. 13-cv-10208-GAO

**ANSWER OF DEFENDANT KATE CORBETT
TO THE PLAINTIFF'S AMENDED COMPLAINT**

FIRST DEFENSE

The plaintiff's Amended Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

The defendant responds to the allegations contained in the plaintiff's Amended Complaint, paragraph by paragraph, as follows:

I. INTRODUCTION

To the extent this paragraph alleges any wrongdoing, negligence, or constitutional violation on behalf of this defendant, the allegations are denied.

II. JURISDICTION

This paragraph states a legal conclusion to which no response is required.

III. PARTIES

1. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

2. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant.

3. The defendant admits that she was employed by the Department of Public Health as a chemist at the Hinton Lab. The defendant makes no response to the remaining allegations in this paragraph as they contain averments of law and legal conclusions.

4. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant.

5. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant.

6. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant.

7. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant.

8. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant.

9. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant.

10. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant.

11. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant.

IV. FACTS

12. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

13. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

14. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

15. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

16. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

17. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

18. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

19. The defendant denies the allegations contained in this paragraph.

20. The defendant denies the allegations contained in this paragraph.

21. The defendant denies the allegations contained in this paragraph.
22. The defendant denies the allegations contained in this paragraph.
23. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
24. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
25. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
26. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
27. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
28. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
29. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
30. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
31. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
32. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

33. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

34. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

35. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

36. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

37. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

38. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

39. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

40. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

41. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

42. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

43. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

44. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

45. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

46. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

47. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

48. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

A. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

B. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

C. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

D. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

E. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

F. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

G. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

H. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

I. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

J. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

K. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

L. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

M. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

N. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

O. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

P. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

Q. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

R. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

S. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

T. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

U. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

V. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

W. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

X. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

Y. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

Z. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

49. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

50. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

51. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

52. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

53. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

54. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

55. The defendant denies the allegations contained in this paragraph.

V. CLAIMS

COUNT I:

VIOLATIONS OF RIGHTS SECURED BY THE FOURTH AMENDMENT

(42 U.S.C. §1983-DEFENDANT KEENAN)

56. Defendant repeats and alleges her responses to Paragraphs 1 through 55 and incorporates them herein by reference.

57. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

58. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

WHEREFORE the defendant denies that the plaintiff is entitled to judgment in any amount.

COUNT II:

**VIOLATIONS OF RIGHTS SECURED BY THE DUE PROCESS CLAUSE
FOURTEENTH AMENDMENT**

(42 U.S.C. §1983-DEFENDANT DOOKHAN AND CORBETT)

59. Defendant repeats and alleges her responses to Paragraphs 1 through 58 and incorporates them herein by reference.

60. The defendant denies the allegations contained in this paragraph of the plaintiff's complaint, but makes no response to that portion of paragraph pertaining to claims against Dookhan.

61. The defendant denies the allegations contained in this paragraph of the plaintiff's complaint, but makes no response to that portion of paragraph pertaining to claims against Dookhan.

WHEREFORE the defendant denies that the plaintiff is entitled to judgment in any amount.

COUNT III

**VIOLATIONS OF RIGHTS SECURED BY THE DUE PROCESS CLAUSE
FOURTEENTH AMENDMENT**

(42 U.S.C. §1983-DEFENDANT DOOKHAN)

62. Defendant repeats and alleges her responses to Paragraphs 1 through 61 and incorporates them herein by reference.

63. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

64. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

WHEREFORE the defendant denies that the plaintiff is entitled to judgment in any amount.

COUNT IV:
VIOLATIONS OF RIGHTS SECURED BY THE DUE PROCESS CLAUSE
FOURTEENTH AMENDMENT
(42 U.S.C. §1983-DEFENDANT KEENAN)

65. Defendant repeats and alleges her responses to Paragraphs 1 through 64 and incorporates them herein by reference.

66. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

67. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

WHEREFORE the defendant denies that the plaintiff is entitled to judgment in any amount.

COUNT V:
VIOLATIONS OF RIGHTS SECURED BY THE DUE PROCESS CLAUSE
FOURTEENTH AMENDMENT
(42 U.S.C. §1983-DEFENDANT DOOKHAN AND CORBETT)

68. Defendant repeats and alleges her responses to Paragraphs 1 through 67 and incorporates them herein by reference.

69. The defendant denies the allegations contained in this paragraph of the plaintiff's complaint, but makes no response to that portion of paragraph pertaining to claims against Dookhan.

70. The defendant denies the allegations contained in this paragraph of the plaintiff's complaint, but makes no response to that portion of paragraph pertaining to claims against Dookhan.

WHEREFORE the defendant denies that the plaintiff is entitled to judgment in any amount.

COUNT VI:
VIOLATIONS OF RIGHTS SECURED BY THE DUE PROCESS CLAUSE
FOURTEENTH AMENDMENT
(42 U.S.C. §1983-DEFENDANTS BIGBY, AUERBACH, NASSIF, HAN, SALEMI AND O'BRIEN)

71. Defendant repeats and alleges her responses to Paragraphs 1 through 70 and incorporates them herein by reference.

72. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

73. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

74. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

WHEREFORE the defendant denies that the plaintiff is entitled to judgment in any amount.

COUNT VII:

**VIOLATIONS OF RIGHTS SECURED BY THE DUE PROCESS CLAUSE
FOURTEENTH AMENDMENT
(42 U.S.C. §1983-DEFENDANTS CONLEY AND SUFFOLK COUNTY DISTRICT
ATTORNEY'S OFFICE)**

75. Defendant repeats and alleges her responses to Paragraphs 1 through 70 and incorporates them herein by reference.

76. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

77. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

WHEREFORE the defendant denies that the plaintiff is entitled to judgment in any amount.

COUNT VIII:

VIOLATIONS OF M.G.L. c. 12 § 111 BY DEFENDANT KEENAN

78. Defendant repeats and alleges her response to Paragraphs 1 through 77 and incorporates them herein by reference.

79. The defendant makes no response to this paragraph as this paragraph does not pertain to this defendant. To the extent a response is required, or to the extent this paragraph alleges wrongful conduct on the part of the defendant, denied.

WHEREFORE the defendant denies that the plaintiff is entitled to judgment in any amount.

THIRD DEFENSE

By way of affirmative defense, the defendant says that if the plaintiff suffered injuries or damage, as alleged, such injuries or damage were caused by someone for whose conduct this defendant was not and is not legally responsible.

FOURTH DEFENSE

By way of affirmative defense, the defendant says that the action is barred by the applicable statute of limitations.

FIFTH DEFENSE

By way of affirmative defense, the defendant says that the action should be dismissed because of lack of jurisdiction over the defendant.

SIXTH DEFENSE

By way of affirmative defense, the defendant says that the plaintiff, by his conduct and actions and/or the conduct and actions of his agents and servants, is estopped to recover any judgment against the defendant.

SEVENTH DEFENSE

By way of affirmative defense, the defendant says that the plaintiff, by his conduct and actions and/or the conduct and actions of his agents and servants, has waived any and all rights he may have had against the defendant, and, therefore, the plaintiff cannot recover in this action.

EIGHTH DEFENSE

By way of affirmative defense, the defendant says that the plaintiff consented to the defendant's alleged conduct, acts and statements and, therefore, the plaintiff cannot recover.

NINTH DEFENSE

By way of affirmative defense, the defendant says that she is protected from liability by qualified immunity for any of the matters raised in the plaintiff's Amended Complaint.

TENTH DEFENSE

By way of affirmative defense, the defendant says that the plaintiff failed to properly present his claim pursuant to the requirements of the Massachusetts Tort Claim Act, M.G.L. c. 258, §4.

JURY CLAIM

In the above-entitled action, the defendant demands a trial by jury on all triable issues.

Respectfully submitted,
The Defendant,
KATE CORBETT,
By Her Attorneys,

MORRISON MAHONEY LLP

/s/Christian A. Young

Lawrence F. Boyle, Esq. BBO# 052680
Christian A. Young, Esq. BBO# 669942
250 Summer Street
Boston, MA 02130

Dated: 2/6/14

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on 2/6/14..

/s/Christian A. Young